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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,190	11/12/2003	William R. Kennedy	KDY 9497	5982
321	7590	11/29/2005		
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/706,190	<b>Applicant(s)</b> KENNEDY ET AL	
	<b>Examiner</b> Michael J. Kyle	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 19-27 is/are allowed.  
6) ☒ Claim(s) 1-3, 12-16 and 28-34 is/are rejected.  
7) ☒ Claim(s) 4-11, 17 and 18 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Y

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Landis (U.S. Patent No. 2,804,329). With respect to claims 28 and 32, Landis discloses a door system comprising first (not shown in drawings, but inherent) and second (26) door frame members and a door (1) hingedly mounted to the first frame member for swinging outwardly between open and closed positions. Landis also discloses a keeper (25) disposed on the second frame member (26), and a trigger actuated latch mechanism (6, 7, 24). The trigger actuated latch mechanism includes a detent (24) engageable with the keeper (25) and a trigger (6, 7) operably connected to the detent. The detent, in the latched position is biased toward an unlatched position (by spring 28). Actuation of the trigger (6, 7) causes the detent (24) to move from a latched position, where it is engaged with the keeper, to an unlatched position allowing the door (1) to be opened.

3. With respect to claim 29, Landis discloses the first frame member is in opposed to the second frame member.

4. With respect to claim 30, Landis discloses all elements noted above, and further discloses at least two triggers (6, 7) operably connected to the detent in a latched position. One trigger is located on an inward side of the door, and the other on an outward side. Actuation of either trigger will cause the detent to move from the latched position to the unlatched position.

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5. With respect to claims 31 and 33, Landis discloses a sear (9) for holding the detent in the latched position. Actuation of the trigger causes release of the detent of the sear.

6. With respect to claim 34, Landis discloses all of the elements discussed above, and also discloses at least one handle (4 or 5) mounted to the door (1), independent of the trigger.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clavin (U.S. Patent No. 5,638,709) in view of Kennedy et al ("Kennedy", U.S. Patent No. 4,082,331). Clavin discloses a door system comprising a door (50) that swings between open and closed positions, a keeper (edge of 51), and a trigger actuated latch mechanism (12, 13). The trigger actuated latch mechanism includes a detent (13, 37) engageable with the keeper (edge of 51) and a trigger (40) operably connected to the detent. Actuation of the trigger (40) causes the detent (13, 37) to move from a latched position to an unlatched position allowing the door (50) to be opened. The detent is biased to the unlatched position (by 34). Clavin fails to disclose the door system to be in combination with a mine stopping.

9. Kennedy teaches a door system with a latch (9) in combination with a mine stopping. Using the trigger latch of Clavin in combination with the mine stopping in Kennedy allows for easy actuation of the door in the mine stopping. It would have been obvious to one having

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ordinary skill in the art to use a trigger latch in combination with a door system in a mine stopping to provide easy actuation of the latch.

10. With respect to claims 2 and 3, Clavin discloses the latch mechanism to include a sear (54) for holding the detent in the latched position. Actuation of the trigger releases the detent from the sear. The detent is spring biased to the unlatched position (by spring 34).

11. With respect to claim 14, Clavin discloses a door system comprising a door (50), a keeper (edge of 51), and a latch mechanism (12, 13). The latch mechanism includes a detent (13, 37) engageable with the keeper for latching the door in a closed position when the detent is in a latched, cocked position (shown in figure 3). A biasing member (34) biases the detent to an unlatched, un-cocked position. A sear (54) holds the detent in the cocked position and a trigger (40) is operably connected to the sear for moving the sear away from the detent, causing the detent to move from the latched, cocked position (shown in figure 3) to the unlatched, un-cocked position. The mechanism is constructed so that upon actuation of the trigger (40), the detent remains in the unlatched, un-cocked position at least until the door is opened.

12. With respect to claim 15, Clavin discloses the sequence of actuating the trigger (40) to cause the detent (13, 37) to move to the unlatched, un-cocked position, releasing the trigger, and pulling the door to the open position.

13. With respect to claim 16, Clavin discloses closing the door (50) after the door has been pulled open to re-cock the mechanism so that the detent is re-cocked and prepared for actuation.

14. Claims 1, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis in view of Kennedy. Landis discloses a door system comprising a door (1) that swings

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between open and closed positions, a keeper (25), and a trigger actuated latch mechanism (6, 7, 24). The trigger actuated latch mechanism includes a detent (24) engageable with the keeper (25) and a trigger (6, 7) operably connected to the detent. Actuation of the trigger (6, 7) causes the detent (24) to move from a latched position to an unlatched position allowing the door (1) to be opened. The detent is biased to the unlatched position (by 28). Landis fails to disclose the door system to be in combination with a mine stopping.

15. Kennedy teaches a door system with a latch (9) in combination with a mine stopping. Using the trigger latch of Landis in combination with the mine stopping in Kennedy allows for easy actuation of the door in the mine stopping. It would have been obvious to one having ordinary skill in the art to use a trigger latch in combination with a door system in a mine stopping to provide easy actuation of the latch.

16. With respect to claims 12 and 13, Landis discloses the trigger (6 or 7) to be located on an inward side of the door, and a second trigger (other of 6 or 7) is located on an outward side of the door. The door includes an outward handle (4 or 5). The mechanism is constructed and configured so that a user can actuate the second trigger (other of 6 or 7) and thereafter pull on the handle without the detent moving back to the latched position.

***Allowable Subject Matter***

17. Claims 4-11, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claims 19-27 are allowed

### ***Response to Arguments***

19. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection. Examiner notes that new claims 28-34 are not considered to claim the mine stopping in combination with the door system. Specifically, the preambles of these claims require a door system "for closing a doorway in a mine stopping". The term "for" indicates an intended use of the door system. As long as the prior art is capable of being used for the claimed intended manner, then the prior art is considered to meet the limitations of the claim. The new grounds of rejection were necessitated by applicant's amendments to the originally filed claims, which now claim the door system in combination with a mine stopping.

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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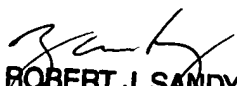
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

  
ROBERT J. SANDY  
PRIMARY EXAMINER